

United States Department of Agriculture,

BUREAU OF CHEMISTRY.

C. L. ALSBERG, Chief of Bureau.

SERVICE AND REGULATORY ANNOUNCEMENTS. SUPPLEMENT.

N. J. 6451-6500.

[Approved by the Acting Secretary of Agriculture, Washington, D C, October 2, 1919.]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT.

[Given pursuant to section 4 of the Food and Drugs Act.]

6451. Misbranding of tomatoes. U. S. * * * v. S Cases * * * of Canned Tomatoes. Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8695. I. S No. 19227-p S. No. W-210)

On January 4, 1918, the United States attorney for the District of Wyoming, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 8 cases of canned tomatoes, consigned by Warfield-Pratt-Howell Co., Sioux City, Iowa, remaining unsold in the original unbroken packages at Douglas, Wyo., alleging that the article had been shipped on or about December 1, 1917, and transported from the State of Iowa into the State of Wyoming, and charging misbranding in violation of the Food and Drugs Act. The article was labeled, "Green Hill Brand Tomatoes. Packed by Insley & Mitchell Co., Salisbury, Md. Contents 6 pounds 7 ounces."

Misbranding of the article was alleged in the libel for the reason that the statement, to wit, "Contents 6 pounds 7 ounces," was false and misleading in that the contents of each of the cans was not 6 pounds 7 ounces, but was, in truth and in fact, 5 pounds and 8 ounces. Misbranding of the article was alleged for the further reason that it was in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the cans in terms of weight, measure, and [or] numerical count.

On February 2, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold by the United States marshal.

J. R. RIGGS, *Acting Secretary of Agriculture.*